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REMARKS

In accordance with the forgoing, claims 1 and 15 have been amended.
The following remarks are respectfully submitted.

I. Rejections under 35 USC §112

Claims 9 and 24 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses the rejection of claims 9 and 24 based on the amendments herein to claims 1 and 15, on which claims 9 and 24, respectively depend. Applicant has amended claims 1 and 15 to remove, from both, the limitation of the anchor being formed of a bioabsorbable material, so that claims 9 and 24 no longer reiterate this limitation. In light of the amendment to claims 1 and 15, Applicant respectfully requests that the Examiner withdraw the rejection to claims 9 and 24.

II. Rejections under 35 USC §102

Claims 1, 7, and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Baeten et al. (US Pat. No. 5,425,751). Applicant traverses the rejection of claims 1, 7 and 9 based on the following argument.

Baeten et al. neither teach nor suggest every element and limitation of claims 1, 7 and 9. Independent claim 1 defines a medical electrical lead including, *inter alia*, a tissue anchor terminating a distal end of the lead and coupled to a second end of a non-rigid tether which extends distally from an electrode of the lead. Although Baeten et al. show a non-conductive line 33, having a coil 34, which extends distally from an electrode 44, the coil 34, characterized by the Examiner as an anchoring coil, does not terminate a distal end of the lead 30. Rather, Baeten et al. shown the line 33 *extending distally from the coil 34 to a suture needle 32*, which needle Baeten et al. describe as

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being inserted through muscle to draw electrode 44 into the muscle, via the non-conductive line 33 (column 2, lines 51-54).

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 7 and 9.

III. Rejections under 35 USC §103

Claims 1-12, 15, 19-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pravoverov et al. (USPN 4,273,137) in view of Shchervinsky (USPN 6,173,206). Applicant traverses the rejection of claims 1-12, 15 and 19-25 based on the following argument.

Neither Pravoverov et al. nor Shchervinsky, alone or in combination, teach every element and limitation of claims 1-12, 15 and 19-25. Applicant respectfully disagrees with the Examiner's characterization of Pravoverov et al. and asserts that Pravoverov neither teaches nor suggests any sort of tissue anchor.

Applicant directs the Examiner's attention to column 2, lines 51-53 of Pravoverov et al., where item 5 is called a contact tip and is described as being at an opposite end of a conductor from a distal tip 4 of the electrode. Those skilled in the art will recognize, from this description, that contact tip 5 is at the proximal end of the lead and forms a connector for the lead. Furthermore, a flexible braid 2 composed of conductive fibers, characterized by the Examiner as tethered portions, clearly does not extend distally from an electrode, as is the case for embodiments of the present invention, as defined by independent claims 1 and 15 of the present application.

With respect to Shchervinsky, although Shchervinsky discloses an anchor 18 that may be fabricated from a bioabsorbable material, Shchervinsky does not teach that the anchor 18 terminate a distal end of the temporary pacing wire (TPW) or lead, as defined for the anchor of claim 1 of the present application. Nor does Shchervinsky teach of an implant system that includes an insertion tool adapted to push the anchor into a segment of tissue, as defined for the system of claim 15 of the present application. Rather, with reference to Figures 1 and 2,

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column 2, line 65 – column 3, line 4, and column 3, lines 11-13, Shchervinsky teaches that a curved needle 12 is attached to a suture material 22, which extends distally from anchor 18, and that the TPW is put in place by inserting the suture needle into a heart, thereby pulling the anchor 18 via the suture material 22.

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-12, 15, 19-25

IV. Allowable Subject Matter

Claims 27-29 are allowed.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant traverses the rejection of claim 18 based on the argument for claim 15, presented above, and respectfully requests that the Examiner withdraw the objection to claim 18.

V. Conclusion

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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